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Docket No.: 21424-00012-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jean-Pierre Lepine

Application No.: 10/526,666

Confirmation No.: Not Yet Assigned

Filed: March 4, 2005

Art Unit: N/A

For: **BRACELET WATCH WITH MOVABLE
CONNECTION LUGS**

Examiner: Not Yet Assigned

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181)
OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has become aware of a Notification of Abandonment dated July 20 and remailed August 5, 2005 (Exhibits A and B). Applicant hereby petitions the Commissioner to withdraw the holding of abandonment under 37 CFR 1.181.

The Notification of Abandonment incorrectly shows Customer No. 20678 - Compaq Computer Corporation. Applicant encloses (Exhibit C) the stamped March 4, 2005 Application Data Sheet page for the present application that shows the correct Customer No. 30678.

The Notification of Abandonment states that Applicant failed to provide full U.S. Basic National Fee by 30 months. Applicant asserts that neither Notice of Abandonment nor a Notification of Missing Requirements was never received by Petitioner because of the incorrect Customer No. 20678.

Relevant Facts

A Transmittal Letter to the U.S. Designated-Elected Office and an Application Data Sheet were filed on March 4, 2005 and both show Customer No. 30678. In anticipation of a Notification of Missing Requirements, a filing was made on June 27, 2005 (Exhibit D) which included a second Transmittal Letter to the U.S. Designated-Elected Office (again showing Customer No. 30678), English language translation of the international application, oath/declaration, preliminary amendment and showing good intent, the \$65 late oath/declaration fee and the \$130 late translation fee were paid. To complete the PTO records, an Information Disclosure Statement filed October 19, 2005 (Exhibit E) is also enclosed.

During a routine review of the status of the application, applicant's attorney was informed by the PTO that the application had gone abandoned. Immediately thereafter, on October 14, 2008, applicant filed a Power to Inspect and immediately obtained a copy of the PTO file wrapper (Exhibit F) to determine the particulars of the abandonment and commenced this petition.

Relief Sought by Applicant

Applicant respectfully requests that the holding of abandonment be withdrawn as if no abandonment had occurred and reopen the prosecution of the present patent application. It is applicant's position that the PTO error in customer number resulted in defective notice of abandonment.

If the Petition to withdraw holding of abandonment under 37 CFR 1.181 is not acceptable, Applicant Petitions for revival of the application for patent abandonment unintentionally under 37 CFR 1.137(b).

STATEMENT

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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No petition fees are believed to be due in this matter because of USPTO error. The charging of the filing fee for entering the national phase is hereby authorized by the attorney of record along with any other fee that may be due. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 21424-00012-US1 from which the undersigned is authorized to draw.

Dated: November 4, 2008

Respectfully submitted,

Electronic signature: /Morris Liss/

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Registration No.: 24,510

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